



## Appeal Decision

Site visit made on 4 April 2014

**by Megan Thomas BA (Hons) in Law, Barrister**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 16 June 2014**

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**Appeal Ref: APP/Q1445/D/14/2214634**  
**20 Marlborough Street, Brighton, BN1 3EE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr P Bowler against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/04017, dated 25 November 2013, was refused by notice dated 21 January 2014.
  - The development proposed is ground and first floor rear extensions.
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### Decision

1. The appeal is dismissed.

### Main issue

2. The main issues are the effect of the proposed first floor extension on the living conditions of the occupants of no.40 Upper North Street with particular regard to outlook and light; and the effect of the proposed first floor extension on the character and appearance of the Montpelier and Cliftonhill Conservation Area 'CA'.

### Reasons

#### *Living conditions at no.40 Upper North Street*

3. The appeal site is a small two storey terrace house on the west side of Marlborough Street and it is within the Montpelier and Cliftonhill Conservation Area. It is situated near the corner of the junction with Upper North Street. Nos 39 and 40 Upper North Street are terraced houses and are orientated towards the north with the rear of their plots adjoining the northern boundary of the plot of the appeal site.
4. The appeal site has a ground floor sitting room with a staircase to the first floor. The kitchen is situated to the rear of the sitting room and the bathroom is at the rear of the kitchen. Both have a monopitch roof. There is a small open air courtyard to the south of the kitchen and bathroom enclosed on all four sides. There are two bedrooms on the first floor of the appeal property. The proposed ground floor extension would extend the kitchen into part of the courtyard and create a new access from the sitting room into the enlarged kitchen. The proposed first floor extension would involve the construction of a new room over part of the existing kitchen which would project about 1.4m from the main rear wall of the appeal property. It would have a rendered

- finish, a flat roof below the eaves line of the main building and a new window in the southern elevation.
5. No.40 Upper North Street has ground floor and first floor windows to its rear (south) elevation. The first floor French windows are stepped back behind a small south-facing roof terrace with a white balustrade. The northern wall of the proposed first floor extension would extend the area of wall facing no.40's windows which would result in a considerable feeling of enclosure at the rear for the occupants of no.40 as the separation distance between the two is small. The effect would be overbearing.
  6. Furthermore, no.40, being a terraced property, has a limited number of windows and there would be some loss of light to those rear windows as a result of the proposed first floor extension. Light to those south facing windows is likely to be of particular importance to the enjoyment of the property as is the outlook from the rear roof terrace. For those reasons, I consider that the first floor extension would unacceptably harm the living conditions of the occupants of no.40 Upper North Street by reason of loss of outlook and light. The proposed first floor extension would be contrary to policies QD14(a) & (b) and QD27 of the Brighton & Hove Local Plan 2005.
  7. No.41 Upper North Street has a roof terrace too but it would be too distant from the proposal to result in loss of outlook or light to its windows sufficient to warrant refusal of planning permission.

#### *Character & appearance*

8. Whilst the proposed extensions would be located within the CA, there would be no views of them from the public realm. However, there would be private views of the first floor extension in particular and I am in agreement with the Council insofar as it emphasises that it is important to achieve high quality design when extending a dwellinghouse. Putting aside the loss of outlook for neighbouring occupiers, the flat roof of the proposed first floor extension would not be so out of character or of such intrinsically poor design to warrant refusal of planning permission on that basis alone. There are a number of flat roofs in the vicinity including some at two storey level. Moreover, the first floor extension would not be higher than the existing eaves of the main building and the proposed development as a whole would be subordinate to the main building. Consequently, on this issue I conclude that the proposal would not unduly harm the character or appearance of the area and would not conflict with policies QD14(c) & (d), or HE6 of the LP.
9. The content of the Planning Practice Guidance has been considered but in the light of the facts in this case it does not alter my conclusions. Whilst the proposed ground floor extension is not objectionable, it would not be appropriate in this case to issue a split decision for that element of the development. I have considered the benefits that the development would bring to the standard of accommodation at the appeal site but I consider these to be clearly outweighed by the loss of outlook and loss of light for the occupiers of no.40 Upper North Street. Having taken into account all representations made, I therefore dismiss the appeal.

*Megan Thomas*

INSPECTOR